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EXAMINER

BORISSOV, IGOR N

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3628

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/031,405	Applicant(s) AMONG ET AL.	
	Examiner Igor N. Borissov	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 71-139, 152-158, 164 and 165 is/are pending in the application.
- 4a) Of the above claim(s) 8, 9, 80, 81, 89-139 and 164 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-13, 71-79, 82-88, 152-158 and 165 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/08/2007 has been entered.

Response to Amendment

Amendment received on 08/08/2007 is acknowledged and entered. Claims 1-7, 10, 12, 13, 71, 89-91, 93-103, 110, 112-128, 130-139, 152, 154, 155, 158 have been amended. Claims 8, 9, 80, 81, 89-139 and 164 have been withdrawn from the consideration due to the Applicant's election of Species 1 (Claims 1-7, 10-13, 71-79, 82-88, 152-158 and 165). Claims 1-13, 71-139, 152-158, 164 and 165 are currently pending in the application.

Applicant's election with traverse of claims 1-7, 10-13, 71-79, 82-88, 152-158 and 165 in the reply filed on 02/19/2008 is acknowledged. The traversal is on the ground(s) that all the claims have been examined. In response to this argument the Examiner points out that a requirement for restriction may be made at any time before final action 37 CFR 1.142 (a). Furthermore, Applicant's argument is not found persuasive because Inventions A and B (as indicated in Requirement for Restriction/Election of 10/19/2007) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention B has utility separate from that of inventions A such as creating product/service packages. See MPEP § 806.05(d); 811. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, or patentability requirements, the restriction requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, 10-13, 152-157 and 165 are rejected under 35 U.S.C. 102(b) as being anticipated by Tagawa (US 5,732,398).

Tagawa teaches a method and system for selecting a final option comprising at least two destinations, comprising:

Claims 1,

displaying a plurality of components received in said client computer, each of said plurality of components having a parameter (C. 16, L. 39-49);

selecting by a customer at least one of the plurality of components (C. 16, L. 50 - C. 17, L. 4);

manipulating by the customer information for at least one parameter of the at least one selected component (C. 16, L. 50 - C. 17, L. 4);

transmitting by the client computer to a server said manipulated parameter information received from said client for said selected ones of said components (C. 16, L. 50 - C. 17, L. 4);

calculating by the server a plurality of options, each of said plurality of options comprising at least one suboption that corresponds to a value of one of said selected ones of said components, the at least one suboption is selected in accordance with said received manipulated parameter information, each of the at least one suboption represents inventory manipulated by a seller in real-time (C. 17, L. 5-8; C. 13, L. 39-40);

receiving by said client computer from said server the calculated plurality of options (C. 17, L. 5-24);

selecting by the customer at least two suboptions from at least two different received plurality of options (C. 17, L. 25-27);

creating a final option based on said customer selection (C. 17, L. 27-28);

requesting by the customer a reservation of the created final option (C. 17, L. 27-28);

transmitting by the client computer to said server said created final option and the reservation request (C. 17, L. 27-28);

generating by the server a confirmation that the final option is reserved for the customer in response to the transmitted reservation request (C. 17, L. 29-30);

transmitting by the server to the client computer the generated confirmation, wherein the created final option is a customized travel package (C. 17, L. 29-30).

Claims 2, 4-6, 10-13, 153, 154, 156, 157 and 165, same reasoning as applied to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa in view of Lynch et al. (US 6,119,094).

Claim 3.

Tagawa teaches all the limitations of claim 3, except selecting multiple airfares in a sequence of said at least two destinations.

Lynch et al. (Lynch) teaches an automated method and system for identifying low-cost travel arrangements, wherein data stored in travel database specifies all flights between each particular city of departure and city of destination (C. 4, L. 10-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tagawa to include selecting multiple airfares in a sequence of said at least two destinations, as disclosed in Lynch, because it would advantageously allow to locate the least expensive flight component for the customer, as specifically stated in Lynch. Furthermore, in this case, each of the elements of the cited references combined by the Examiner performs the same function when combined as it does in the prior art. Thus, such a combination would have yielded predictable results. See *Sakraida*, 425 U.S. at 282, 189 USPQ at 453. Therefore, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa in view of Kwoh (US 2001/0034625 A1).

Claim 7.

Tagawa teaches all the limitations of claim 7, except generating a discount corresponding to discount criteria of said customer.

Kwoh teaches an automated method and system for identifying travel costs, wherein airline flight discount criteria are considered in calculating travel costs [0015].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tagawa to include generating a discount corresponding to discount criteria of said customer, as suggested in Kwoh, because it would advantageously allow to generate the least expensive travel package for the customer. Furthermore, in this case, each of the elements of the cited references combined by the Examiner performs the same function when combined as it does in the prior art. Thus,

such a combination would have yielded predictable results. *See Sakraida*, 425 U.S. at 282, 189 USPQ at 453. Therefore, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

Claims 71-76, 79, 82-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa in view of Sobalvarro et al. (US 2006/0287897 A1).

Tagawa teaches a method and system for selecting a final option comprising at least two destinations, comprising:

Claim 71,

displaying a plurality of components at a client computer, at least some of said plurality of components having a parameter (C. 16, L. 39-49);

selecting by a user at least one of the displayed plurality of components (C. 16, L. 50 - C. 17, L. 4);

manipulating by the user information for at least one parameter of the at least one selected component (C. 16, L. 50 - C. 17, L. 4);

receiving by the server from the client computer a first input signal having the selected components and the manipulated at least one parameter (C. 16, L. 50 - C. 17, L. 4);

calculating by the server a plurality of options, each of said plurality of options having a suboption comprising a value corresponding to one of said plurality of components, and said value is generated in accordance with said user-determined value of said parameter (C. 17, L. 5-8; C. 13, L. 39-40);

receiving by the client computer from the server the calculated plurality of options (C. 17, L. 5-24);

selecting by the user various suboptions from at least two of the plurality of options (C. 17, L. 25-27);

receiving by the server from the client computer the selected various suboptions (C. 17, L. 25-27);

creating by the server the customized travel package comprising a plurality of destinations corresponding to said components, in an itinerary having a price (C. 17, L. 27-28);

receiving the created customized travel package by the client computer from the server for displaying the customized travel package to the user (C. 17, L. 27-28).

While Tagawa teaches charging the customer for the created travel package, thereby indicating providing a price for the package, Tagawa does not explicitly teach that said price is a single price.

Sobalvarro et al. teaches a method and system for selling travel packages, wherein travel packages are presented to customers with a single package price [0011].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tagawa to include that said price is a single price, as disclosed in Sobalvarro et al. because it would advantageously allow to provide travel arrangements in an efficient way, as specifically stated in Sobalvarro et al. [0011]. Furthermore, in this case, each of the elements of the cited references combined by the Examiner performs the same function when combined as it does in the prior art. Thus, such a combination would have yielded predictable results. See *Sakraida*, 425 U.S. at 282, 189 USPQ at 453. Therefore, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

Claims 72-76, 79, and 82-88, same reasoning as applied to claim 71.

Claims 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa in view of Sobalvarro et al. and further in view of Kwoh.

Claims 77 and 78.

Tagawa and Sobalvarro et al. teaches all the limitations of claim 7, except generating a discount corresponding to discount criteria of said customer.

Kwoh teaches an automated method and system for identifying travel costs, wherein airline flight discount criteria are considered in calculating travel costs [0015].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tagawa and Sobalvarro et al. to include generating a discount corresponding to discount criteria of said customer, as suggested in Kwoh, because it would advantageously allow to generate the least expensive travel package for the customer.

Claim 158 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa.

Tagawa teaches said method for selecting a final option comprising at least two destinations, comprising:

Claim 158,

displaying by a computer a plurality of components, said plurality of components comprising air travel, hotel accommodations, and car rental (C. 16, L. 39-49; C. 17, L. 22);

receiving by the computer a first client selection comprising at least two of the plurality of components and information input by the user for every desired component of the travel group (C. 16, L. 50 - C. 17, L. 4);

calculating by the computer travel packages, each of the travel packages comprising a value for each of the selected components based on the information input by the user (C. 17, L. 5-8; C. 13, L. 39-40);

displaying by the computer the calculated travel packages (C. 17, L. 5-24);
receiving by the computer a second client selection of components selected from different displayed travel packages (C. 17, L. 25-27);
creating by the computer a customized travel package based on the second client selection (C. 17, L. 27-28);
displaying by the computer the created customized travel package (C. 17, L. 27-30).

Tagawa does not explicitly teach that the customized travel package is different from each of the displayed travel packages.

However, Tagawa does teach creating the customized travel package based on inputted by the customer travel information, thereby suggesting said feature.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tagawa to include that the customized travel package is different from each of the displayed travel packages, as suggested in Tagawa, because it would advantageously allow to accommodate various vacation schedules of the customers in various age group categories, as specifically stated in Tagawa (C. 2, L. 53-67; C. 11, L. 44-46).

Response to Arguments

Applicant's arguments with respect to claims 1-7, 10-13, 71-79, 82-88, 152-158 and 165 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/

Primary Examiner, Art Unit 3628

05/11/2008